



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Paul Goth *et al.*

Application No.: 10/718,164

Filed: November 19, 2003

For: A THERMOKERATOPLASTY SYSTEM  
WITH A CALIBRATED POWER SUPPLY

Examiner: Michael F. Peffley

Art Group: 3739

RESPONSE TO DECISION ON PETITION

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

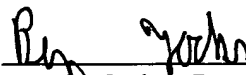
Sir:

In response to the Decision on Petition mailed January 26, 2007, please find enclosed a copy of the postcard with the official Patent Office date stamp and a copy of the PAIR Transaction History for the instant application showing the RCE submitted on April 7, 2007 was received in the Patent Office on April 13, 2007. Also enclosed is a declaration signed by Susan Langworthy attesting proof of mailing. In view of the foregoing, the applicant respectfully requests that the holding of abandonment be withdrawn.

If any fee is required, please charge Deposit Account No. 09-0946. A duplicate of the Fee Transmittal is enclosed for deposit account charging purposes.

Respectfully submitted,  
IRELL & MANELLA LLP

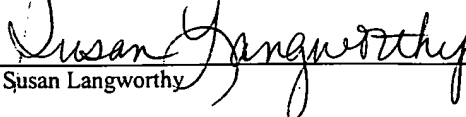
Dated: February 8, 2007

  
Ben J. Yorks, Reg. No. 33,609

840 Newport Center Drive  
Suite 400  
Newport Beach, CA 92660-6324  
(949) 760-0991

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on February 8, 2007.

 Feb 8, 2007  
Susan Langworthy Date

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Examiner: Michael F. Peffley

Art Group: 3739

**DECLARATION OF SUSAN LANGWORTHY IN SUPPORT OF  
REQUEST FOR WITHDRAWAL OF ABANDONMENT**

MS Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, Susan Langworthy, hereby declare as follows:

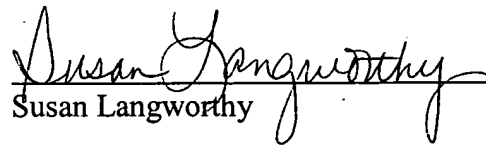
1. I am a legal secretary employed at Irell & Manella LLP, where I assist Ben Yorks. Among other duties I assist with the preparation and mailing of documents to be filed with the Patent and Trademark Office. These documents include my signature on the Certificates of Mailing.

2. On April 7, 2006, I mailed the Request for Continued Examination (RCE) Transmittal document along with a Fee Transmittal Form (in duplicate). The RCE contained a Certificate of Mailing executed by my hand on that date for the above entitled application. Also mailed with these documents on April 7, 2006 was the self-addressed stamped postcard, which we recently received back from the PTO with a date stamp of April 13, 2006.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

Dated: February 8, 2007

  
Susan Langworthy

Appln/Patent No.: 10/718,164 Filing/Issue Date: November 19, 2003  
Client: Refractec, Inc.  
Title: A THERMOKERATOPLASTY SYSTEM WITH A CALIBRATED RF AMPLIFIER  
Atty Docket No.: 155694-0125 Matter No.: P008 Atty/Sec: BJY/sml  
Date Mailed: April 7, 2006 Due Date: April 27, 2006

The following has been received in the U.S. Patent & Trademark Office  
on the date stamped hereon:

- ☐ AF Amendment (7 pgs)  
☐ Appeal Brief (     pgs) (in triplicate)  
☐ Application - Utility (     pgs., w/ cover & abstract)  
☐ Application - Rule 1.53(b) Continuation (     pgs)  
☐ Application - Rule 1.53(b) Divisional (     pgs)  
☐ Application - Rule 1.53(b) CIP (     pgs)  
☐ Application - Rule 1.53(d) CPA Transmittal (     pgs)  
☐ Application - Design (     pgs)  
☐ Application - PCT (     pgs)  
☐ Application - Provisional (     pgs)  
☐ Assignment and Cover Sheet (     pgs)  
☐ Certificate of Mailing  
☐ Check No.          in the amount of \$           
☐ Other:
- ☐ Declaration and Power of Attorney (     pgs)  
☐ Drawings:      # of sheets, incl      figures  
☐ Express Mail Label No.                       
☒ Fee Transmittal, in duplicate  
☐ Information Discl Stmt & PTO-1449 (     pgs)  
☐ Issue Fee Transmittal, in duplicate  
☐ Notice of Appeal (     pgs)  
☐ Petition for Extension of Time (     pgs)  
☐ Preliminary Amendment (2 pgs)  
☐ Reply Brief (     pgs)  
☐ Response to Notice of Missing Parts (     pgs)  
☐ Small Entity Declaration (     pgs)  
☒ SCE Transmittal
- APR 13 2008



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10/718,164 Thermokeratoplasty system with a calibrated radio fr

Application Data	Transaction History	Image File Wrapper	Continuity Data	Published Documents	Publication Dates	Address Attorneys
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## Transaction History

Date	Transaction Description
01-26-2007	Petition Decision - Dismissed
11-27-2006	Petition Entered
10-16-2006	Mail Abandonment for Failure to Respond to Office A
10-13-2006	Abandonment for Failure to Respond to Office Action
<del>04-13-2006</del>	Workflow - Request for RCE - Begin
<del>04-13-2006</del>	Workflow - Request for RCE - Finish
<del>04-13-2006</del>	Workflow - Request for RCE - Begin
<del>04-13-2006</del>	Workflow - Request for RCE - Finish
<del>04-13-2006</del>	Workflow - Request for RCE - Begin
04-03-2006	Mail Advisory Action (PTOL - 303)
03-30-2006	Advisory Action (PTOL-303)
03-27-2006	Date Forwarded to Examiner
03-22-2006	Amendment after Final Rejection
12-27-2005	Mail Final Rejection (PTOL - 326)
12-22-2005	Final Rejection
10-20-2005	Date Forwarded to Examiner
10-07-2005	Response after Non-Final Action
07-05-2005	Mail Non-Final Rejection
06-30-2005	Non-Final Rejection
06-23-2005	Reference capture on IDS
06-23-2005	Information Disclosure Statement (IDS) Filed
05-23-2005	Date Forwarded to Examiner
05-19-2005	Response to Election / Restriction Filed
05-03-2005	Mail Restriction Requirement
05-02-2005	Requirement for Restriction / Election
10-15-2004	IFW TSS Processing by Tech Center Complete

10-15-2004	Case Docketed to Examiner in GAU
02-18-2004	Application Dispatched from OIPE
02-18-2004	Application Is Now Complete
02-05-2004	Cleared by OIPE CSR
12-23-2003	IFW Scan & PACR Auto Security Review
11-19-2003	Initial Exam Team nn

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1995-01-31 - Notice of allowance - mailed

1994-11-08 - Published for opposition

1994-10-07 - Notice of publication

1994-07-26 - Approved for Pub - Principal Register (Initial exam)

1994-07-20 - Examiner's amendment mailed

1994-07-16 - Assigned To Examiner

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**ATTORNEY/CORRESPONDENT INFORMATION**

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**Attorney of Record**

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**Correspondent**

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